

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CASE NUMBER 1:20CV66**

CARYN DEVINS STRICKLAND,)
Plaintiff,)
v.)
UNITED STATES OF AMERICA, et al.,)
Defendants.)

)

JOINT MOTION TO EXTEND THE DISCOVERY DEADLINE

The parties hereby move the Court for a brief extension of the May 1, 2023 discovery deadline for the sole purpose of resolving an outstanding privilege issue that arose during Plaintiff's deposition.

BACKGROUND

1. On July 14, 2022 this Court set the deadline for Rule 56 motions as June 1, 2023.
2. On March 2, 2023 this Court entered a scheduling order in this case that set forth additional deadlines, including the completion date for all non-expert discovery as May 1, 2023. ECF No. 187.
3. The March 2, 2023 order also set the deadline for expert discovery disclosure as June 1, 2023, with expert depositions to be completed in time for a September 2023 trial. *Id.*
4. On January 20, 2023 the Court entered a protective order in this matter. Under paragraph (C)6 of the protective order, deposition transcripts are confidential for 30 days while the parties make a determination about whether to designate as confidential certain portions of the transcripts. *See* ECF No. 183.

BASIS FOR EXTENSION REQUEST

5. Good cause supports this extension. During Plaintiff's deposition on April 25, 2023, Defendants' counsel asked Plaintiff a series of questions regarding a particular topic. Defendants' counsel also requested that Plaintiff produce evidence relating to that topic.
6. Plaintiff's counsel instructed Plaintiff not to answer certain of these questions on the basis of privilege until the privilege determination, including the scope of the privilege, could be made.
7. The parties then agreed, on the record, to request an extension of the discovery deadline to allow Plaintiff's counsel time to determine whether privilege applied; what privilege applied; the scope of the privilege; and, if privilege did apply, to give Defendants' counsel an opportunity to challenge the privilege; or, if it did not apply, to either reopen the Plaintiff's deposition or to answer written questions.
8. Since Plaintiff's deposition, the parties have conferred further about this issue. On April 28, 2023, two days after Plaintiff's deposition, Defendants' counsel asked Plaintiff's counsel for an update on their privilege determination, if any. Plaintiff's counsel stated they were still conferring with their client and needed additional time. The parties' counsel also discussed this motion during a telephone call on May 1, 2023.

ADDITIONAL INFORMATION

9. Granting this motion will not affect any other existing deadlines. The parties can move forward with expert discovery as scheduled.
10. Pursuant to the Local Rules, the Parties have met and conferred through counsel and Plaintiff consents to the filing of this joint motion.
11. For these reasons the parties jointly request:

- a. That Plaintiff be given until May 8, 2023 to determine: whether to assert privilege over this line of questioning; what privilege to assert; and the scope of the privilege.
- b. That Defendants have until May 15, 2023, to challenge any privilege assertion made by Plaintiff with respect to this issue.
- c. That if no privilege assertion is made, or if the Court grants Defendants' challenge to any privilege assertion made with respect to this issue, that the Plaintiff's deposition be re-opened for a time period not to exceed 1 hour for the limited purpose of obtaining answers to questions on this topic; or, in the alternative, that Plaintiff be ordered to respond under oath to written questions with respect to this matter.
- d. The parties further request that if Plaintiff's deposition is re-opened, that the parties be relieved of complying with the 30-day period in paragraph 6(C) of the protective order for the purposes of including information from that deposition in their summary judgment motions, which are due on June 1, 2023. *See* ECF No. 183. The parties request instead that the period in paragraph 6(C) be shortened to 7 days to designate as confidential any portion of the transcript.

Dated: May 1, 2023

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Respectfully submitted,

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